IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9713 of 2005

Between:

Chittoor District Recognised English Medium Schools' Association, O/a 424, Bhavani Nagar, Tirupati rep.by its General Secretary G.Gopal S/o.Reddeppa Chetty, R/o.307, Giripuram, Tirupati.

..... PETITIONER

AND

1 The Regional Joint Director of School Education, Cuddapah.
2 The District Educational Officer, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ or direction, more particularly in the nature of writ of Mandamus directing the respondents to take action against the private unaided (English Medium) schools in admitting the students without obtaining permission for its establishment as per G.O.Ms.No.1, Education (P.S.2) dt.1-1-1994 in terms of the provisions of the Education Act and G.O.Ms.NO.1 dt. 1-1-1994 and pass just, appropriate and necessary orders.

Counsel for the Petitioner : MR.K.S.GOPALAKRISHNAN

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in not taking any action against the private unaided Schools in establishing as well as admitting the students without obtaining any permission as contemplated under the provisions of the Andhra Pradesh Education Act, 1982 (for short 'the Act') and the Rules made thereunder.

2. The petitioner is a recognized English Medium Schools' Association and the members of the petitioner have established various Educational Institutions after obtaining necessary permission. But, however, certain schools have been established and also were issuing paper publications soliciting admissions for the students, even though, they did not obtain any permission as contemplated under the Act. Therefore, the petitioner made a representation to the District Educational Officer – second respondent herein on 18.04.2005 bringing to his notice the advertisements given by the schools, which are established without obtaining necessary permission. But, however, the second respondent did not take any action. In the representation, it was specifically stated that the Schools *viz.,* "Ican School, Tirupathi, Ravindrabharati School (Nellore based)" were established and gave paper advertisements calling for admissions. Therefore, the inaction of the respondents is illegal and contrary to the provisions of the Act.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

4. Under the provisions of the Act and the Rules made thereunder, no person is entitled to establish and run an Educational Institution, without obtaining prior permission in accordance with the provisions of the Act and the Rules. Therefore, it is obligatory on the part of the respondents to see that no Educational Institution is established and run without complying the provisions of the Act and the Rules.

5. In view of the above legal position, when the petitioner made a representation to the respondents, it is for them to take appropriate action on the said representation. Therefore, the respondents are directed to consider the representation of the petitioner dated 18.04.2005 and take appropriate action against the Schools, if any, established without obtaining prior permission from the authorities concerned.

6. The writ petition is accordingly disposed of at the admission stage.

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S. Ananda Reddy, J

Date: 22.06.2005

Note: Furnish CC in 3 Days

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To

1 The Regional Joint Director of School Education, Cuddapah.
2 The District Educational Officer, Chittoor.

3 Two CCs to the Government Pleader for Education,
High Court of A.P., Hyderabad (OUT)

4 Two CD copies